

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JOSH L. ANDERSON,	)	
	)	
Plaintiff	)	
	)	
v.	)	
	)	Civil Action No. 04-135 Erie
LARRY E. KOPKO, RANDY J. ICKERT	)	
and KATIE L. AVENALI,	)	
	)	
Defendants	)	<b>JURY TRIAL DEMANDED</b>

**MAGISTRATE JUDGE'S RECOMMENDATION**

AND NOW, this \_\_\_\_ day of \_\_\_\_\_, 2005 it is hereby respectfully  
recommended that defendants' Motion to Dismiss and Strike, filed with the Court on July 14,  
2005, be GRANTED:

That judgment be entered in favor of defendants Larry E. Kopko and Randy J. Ickert and  
against plaintiff John L. Anderson.

That the following paragraphs of plaintiff's Complaint, filed with the Court on June 24,  
2004, be stricken:

The second and third sentences under the heading "JURISDICTION @ VENUE":

"Plaintiff seeks declaratory relief pursuant to 28 U.S.C. section  
2201 and 2202. Plaintiff claims for injunct (sic) relief are authorized by  
28 U.S.C. section 2283 and 2284 and rule 65 of Federal rules of civil  
procedure."

The third, fifth and sixth paragraphs under the heading "LEGAL CLAIMS":

"Plaintiff has no plain, adequate or complete remedy at law to  
redress the wrongs described herein. Plaintiff has been and will continue  
to be irreparably injured by the conduct of the defendants unless this court  
grants the declaratory and injunctive (sic) relief (sic) which plaintiff seeks."

"A declaration that acts and omissions described herein violated plaintiff's rights under the constitution and laws of the united states.

"Apreliminary and injuction ordring defendants LARRY E. KOPKO, RANDY J. ICKERT, and KATIE L. AVENALI to stop harassing and assaulting plaintiff JOSH L. ANDERSON."

All words in the sixth paragraph under the heading "LEGAL CLAIMS" after the words "Compensatory damages."

All words in the seventh paragraph under the heading "LEGAL CLAIMS" after the words "Punitive damages."

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Susan Paradise Baxter  
United States Magistrate Judge